

## CHAPTER 1

### THE STATE OF LOCAL CORRECTIONS IN CALIFORNIA

#### Local Detention System Profile

California's 449 adult jails and 119 juvenile halls and camps were responsible for maintaining an incarcerated Average Daily Population (ADP) of 87,749 during 1999 -- greater than the general population of 22 counties in the State. The ADP represents the most serious adult and juvenile offenders. Local adult detention facilities incarcerate persons who have been sentenced by the court or remanded to the custody of the Sheriff pending trial. Convicted adult felons may serve up to 12 months of county jail time as part of a felony probation sentence. Frequently, juvenile courts will sentence offenders to a local juvenile detention facility to keep them close to home and provide them with necessary education and treatment programs involving the ward and family.

To ensure that state and local policymakers have access to critical information about California's adult jail population, the BOC conducts a monthly survey that provides a comprehensive picture of the number of inmates in local jails, their status, and related issues. In fulfilling this mandate, the BOC -- in collaboration with local agencies -- collects pertinent data from all 58 counties and one city that operate a Type II or Type III jail (jails in which detention may be for 96 hours or more) and reports this data both quarterly and annually. Appendix A provides a summary of results of the 1999 Jail Profile Survey, which included the following county jail findings:

- ✓ 1.16 million people were booked into California's county jails;
- ✓ 76,312 jail inmates were in custody per day (ADP) and the system had a single day population high of 80,864 (exceeding the number of board rated beds, which is 71,913);
- ✓ 72 percent of the jail population were either charged with or convicted of a felony (compared to 68 percent in 1995);
- ✓ 45 percent of inmates were classified as requiring maximum security confinement;
- ✓ 58 percent of jail inmates were awaiting trial or disposition, and 42 percent were serving a jail sentence imposed by a court;
- ✓ the total ADP included 39,220 non-sentenced males and 27,113 sentenced males, 5,269 non-sentenced females and 4,710 sentenced females, and 85 juveniles (all male and all non-sentenced);
- ✓ 20 counties representing over 63 percent of the jail system's ADP were operating under court-ordered population caps that place a ceiling on admissions and require the early release of inmates;

- ✓ 208,732 pre-trial and sentenced inmates were released early due to population caps and lack of bed space;
- ✓ 11 percent of jail inmates were undocumented aliens; and
- ✓ more than 2.3 million arrest warrants (including 243,319 felony warrants) were unserved.

Aggregate data on jail and juvenile facility capital and operational costs are provided elsewhere in this report (see pages 7-8).

The BOC separately collects and reports data from city jails and sheriff's substations that operate a Type I facility (jails which may only detain for less than 96 hours). For fiscal year (FY) 1998/99, this process resulted in the following profile:

- ✓ 436,732 people were booked into California's city jails and sheriff's substations (9.7 percent were juveniles);
- ✓ 1,641 inmates were in custody per day (ADP), with a single day population high of 3,357;
- ✓ 36 percent were booked on felony charges, 53 percent on misdemeanor charges, and 11 percent were not specified; and
- ✓ 7,824 inmates were transferred to another facility solely for medical/mental health reasons.

In FY 1995/96, the Legislature transferred the minimum standards and inspection responsibility for local juvenile detention facilities from the California Youth Authority to the BOC. Beginning in 1999, the BOC assumed responsibility for the data collection on juveniles in detention. Working in partnership with local agencies, the BOC developed a survey in 1997 for collecting data on these county juvenile facilities. The Juvenile Detention Profile Survey (JDPS) has been fully operational for one full calendar year. The JDPS collects information on minors in the custody of local probation departments. The data presented should be viewed as base line data because definitive trends take additional time to ascertain. Appendix B provides a summary of results of the 1999 Juvenile Detention Profile Survey, which includes the following findings:

- The Average Daily Population (ADP) for both juvenile halls and camps was 11,437;
- The average number of juvenile detention beds that meet the standards of the Board of Corrections (Board Rated Capacity) was 11,399;
- The annual highest one-day population average of juvenile halls and camps is almost 4 percent higher than the ADP;
- During the fourth quarter of 1999<sup>1</sup>, the ADP for juvenile halls was 6,754. The highest one-day population was 7,270, about 8 percent higher than the fourth quarter ADP and nearly 17 percent higher than the Board Rated Capacity for juvenile halls (6,333);

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<sup>1</sup> During the first year of the JDPS, the accuracy of the highest one-day count is questionable. First, second and third quarter data are unreliable. However, after providing technical assistance to counties, BOC staff believes that the fourth quarter collection of the highest one-day count accurately reflects the needs of the system during that quarter.

- During the fourth quarter of 1999, the ADP for camps was 4,432.3. The highest one-day population was 4,549.7, approximately 2.6 percent higher than the fourth quarter ADP but below the Board Rated Capacity for camps (5,066);
- On average, an additional 3,000 juveniles were detained in “other detention settings” each month;
- The average number of bookings each month into juvenile detention facilities statewide was 10,359;
- On average, 38 facilities, or 34 percent of all juvenile detention facilities were over the Board Rated Capacity each month;
- The Average Length of Stay for juvenile halls was 22.5 days, and the Average Length of Stay for camps was 83.4 days;
- Approximately 68 percent of the juvenile hall population and 72 percent of the camp population is detained for a felony offense;
- Males made up 85 percent of the juvenile hall population;
- The majority of minors in juvenile halls and camps were between 15-17 years of age. On average, this age category comprised 72 percent of the juvenile hall population and 78 percent of the camp population.

## **Impact of Capacity Constraints**

**T**he State’s adult jail system continues to confront an acute shortage of beds. Despite a successful construction effort that has more than doubled jail space in the past 20 years (Chapter 4), crowding has led to current court intervention in 20 jail systems. Figure One lists the counties under court-imposed population caps that compel the early release of over 17,000 inmates per month to make room for new prisoners. The facilities in these counties account for 63.9 percent of the 1999 ADP.

Because court-ordered population caps affect over two-thirds of the inmate population, ADP numbers vastly understate the need for jail bed space. The early release of over 17,000 pre-trial and sentenced inmates per month to accommodate non-sentenced felony inmates, combined with an alarming 36 percent rise in average length of stay for an inmate from 17.6 days in 1989 to 24.0 days in 1999, may be early warning signs that self-imposed population ceilings are straining the correctional system. The fact that there are 243,319 outstanding felony warrants further underscores the inadequacy of available jail space.

Appendix C shows county-specific jail ADP and incarceration rates for 1999, arrayed from the highest to the lowest rate. Counties that contract to hold inmates from other jurisdictions may have higher than normal incarceration rates, while early releases may lead to lower rates in other counties. The statewide incarceration rate is 22.1 persons per 10,000 general population.

**Figure One**

<b>20 COUNTIES UNDER COURT- IMPOSED POPULATION CAPS Adult Local Detention Facilities</b>	
<b>COUNTIES</b>	<b>ADP</b>
Los Angeles	20,220
San Bernardino	4,919
Orange	4,889
San Diego	4,870
Riverside	2,683
Fresno	2,241
San Joaquin	1,206
Kern	1,997
Tulare	1,112
Stanislaus	1,010
Santa Barbara	902
Merced	550
Placer	404
Butte	430
Yolo	393
Shasta	338
El Dorado	302
Sutter	215
Calaveras	50
Plumas	51
<b>Total</b>	<b>48,782</b>
<b>63.9% of the 1999 ADP</b>	

The state's juvenile system is facing a comparable shortage of juvenile detention beds. In FY 1997/98, the BOC established a Juvenile Facility Crowding Work Group to examine a variety of crowding issues in juvenile facilities. Comprised of chief probation officers, juvenile facility superintendents, Board members and a child advocate attorney, this group developed a process to assess the impact of crowded facilities and provided information and training that will assist the BOC in determining if local facilities are suitable for the continued confinement of minors.

The Crowded Juvenile Facilities 1999-2000 Risk Assessment instrument was designed to evaluate the frequency and impact of crowding, the effectiveness of the county's response in eight critical areas, and the suitability of the facility. The eight critical areas are Program and Activities, Medical and Mental Health, Classification and Segregation, Staffing, Sanitation and Hygiene, Food Services, Physical Plant and Alternatives to Incarceration.

The impact of crowding ranged from *no impact* on operations or standards in the critical areas to *some impact* (minor impact on operations or standards one or more of the critical areas) to an *impact* on operations or standards in one or more of the critical areas.

Of the 32 juvenile facilities that reported some degree of crowding, BOC staff has identified the following issues.

- Crowding has had an impact on the physical plant of 14 (44 percent) of the 32 juvenile facilities and some impact on 13 (41 percent) facilities;
- Programs and activities have been impacted in 10 (31 percent) of the 32 facilities with 11 (35 percent) experiencing some impact;
- Classification and Segregation have been impacted in 7 (22 percent) of the 32 facilities with 5 (16 percent) experiencing some impact;
- Staffing has been impacted in 7 (22 percent) of the 32 facilities with 10 (31 percent) experiencing some impact;
- Sanitation and Hygiene has been impacted in 1 (3 percent) of the 32 facilities with 13 (41 percent) experiencing some impact; and
- No juvenile facility has been impacted in food services but 2 (6 percent) have experienced some impact.

Appendix D shows county-specific juvenile detention facilities (juvenile halls and camps) ADP and incarceration rates for 1999, arrayed from the highest to the lowest incarceration rate. Counties that detain minors from other jurisdictions may have higher than normal incarceration rates. The statewide incarceration rate is 3.3 persons per 10,000 general population.

Although the Legislature provided funds in FY 1997/98 and 1998/99 to expand the capacity of local detention facilities, the BOC anticipates that demand for local adult and juvenile facility bed space will continue to exceed capacity. The BOC currently estimates that California may need to add 55,500 more jail beds and 6,000 more juvenile beds during the next 10 years (Chapter 3).

## **Impact of Fiscal Constraints**

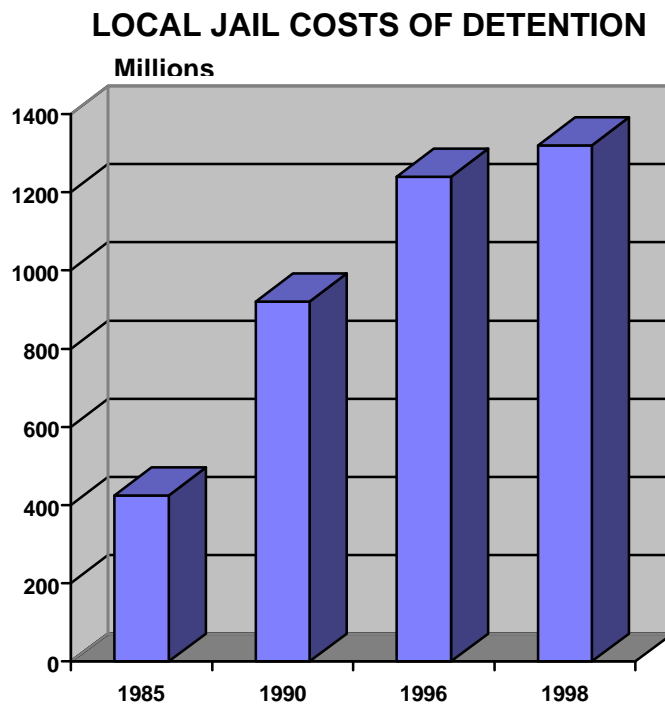
In an environment of fiscal limitations, counties have found it increasingly difficult to fund the ongoing staffing and operating costs of detention facilities. Construction represents less than 10 percent of the cost of a detention facility over an average 30-year life span, while staffing and operating costs account for 90 percent or more of the total cost. Staffing deficiencies due to fiscal pressures affect detention facility operations in some jurisdictions.

Figure Two shows that county jail operational costs (excluding debt service) more than tripled between 1984/85 and 1997/98, increasing from \$446 million in 1984/85 (about 40,000 beds on line) to \$1.24 billion in 1995/1996 (about 68,000 beds on line) to \$1.32 billion in 1997/98 (approximately 71,000 beds on line). Per capita operational bed costs increased from \$11,000 to over \$18,000, about 5 percent per year.

The BOC receives numerous inquiries from state legislators and local policy makers regarding the cost to house an inmate in a local jail. In response to this question, the BOC surveyed Type II and III Facilities to determine the current statewide average daily cost (ADC) to house an inmate.

Fifty- seven of 58 counties responded to the survey, and 99 Type II and 16 Type III jails surveyed provided their ADC. The data were analyzed to arrive at a statewide average daily cost to house inmates in Type II and III facilities. The highest reported average daily cost per inmate per day was \$142.52 from Sierra County Jail, which reported an ADP of 5 for June 1999. The lowest was \$26.03 from Yuba County Jail, which reported an ADP of 322 for June 1999. The statewide average daily cost to house inmates, based upon data provided to the BOC, is \$58.59 per inmate per day for Type II and III facilities.

**Figure Two**

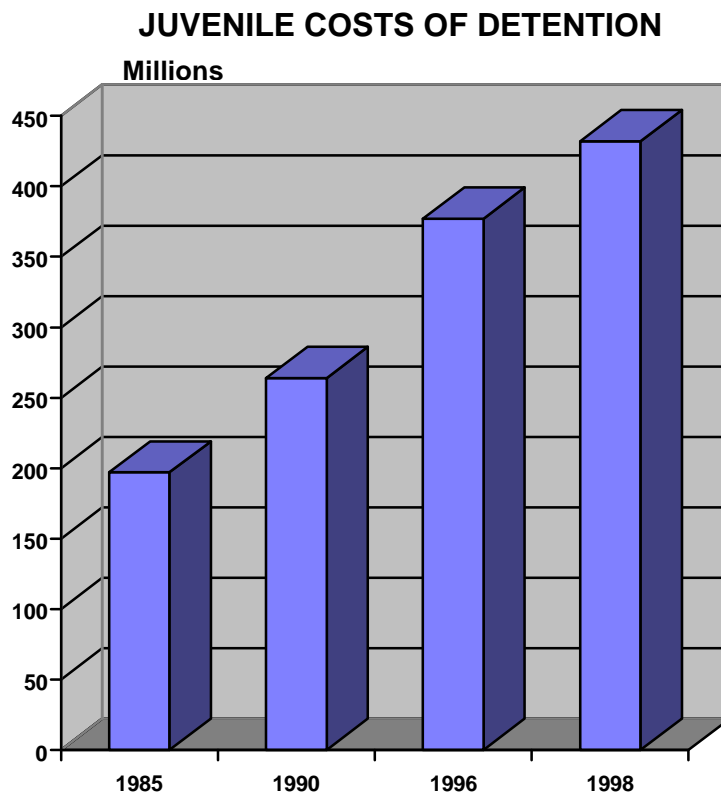


Source: State Controller's Annual Report,  
*Financial Transactions Concerning Counties of California, 1984/85 through 1997/98*

Operational costs for county juvenile facilities are almost twice that of county jails, due to the significantly higher staffing costs. Minimum standards for juvenile facilities require a much richer staff ratio due to more intensive programming such as the state mandated education. In contrast, the focus on incarceration and security in jails requires fewer staff.

Figure Three shows that operational costs (excluding debt service) for local juvenile facilities increased from \$.96 million in 1984/85 (about 9,000 beds on line) to \$376 million in 1995/96 (about 10,000 beds on line) to \$432 million in 1997/98 (about 12,000 beds on-line). If only Board Rated Capacity beds are counted, per capita operational bed costs rose from \$21,000 to over \$37,000, about 5 percent a year.

**Figure Three**



Source: State Controller's Annual Report,  
*Financial Transactions Concerning Counties of California, 1984/85 through 1997/98*

The BOC receives numerous inquiries from state and local policy makers regarding the cost to house minors in juvenile halls, special purpose juvenile halls, camps, ranches, and boot camps. In response, the BOC surveyed Chief Probation Officers, Juvenile Hall Superintendents, and Camp/Ranch Directors to determine the current statewide average daily cost (ADC) to house juveniles in local juvenile facilities. The local agencies were asked to calculate cost based upon the total facility budget for fiscal year 1998/99, divided by the total facility population for the same time period. Costs include staff salaries and benefits, supplies, services (including food, medical, maintenance, private sector contracts or those with other county departments), capital, or administrative costs.

All 53 counties that operate juvenile facilities responded to the survey, which encompassed 51 juvenile halls, 6 special purpose juvenile halls, and 59 camps, ranches and boot camps. For juvenile halls, the average daily cost is \$117.84 per minor per day. For camps, ranches, and boot camps, the average daily cost is \$95.29 per minor per day. An estimate for special purpose juvenile halls was not calculated, since some facilities are not open daily.

Detention facilities are particularly vulnerable to fiscal constraints because proportionately high fixed operational costs (e.g., food, clothing, medical care, court transportation, and minimum staffing for safety and security) limit the ability to make discretionary cutbacks and still operate the facility. There simply are not many ways to cut detention costs without reducing local capacity by closing housing units or

entire facilities. One area where detention facilities have found some flexibility is facility maintenance. By deferring needed repairs and foregoing preventative maintenance activities, many adult and juvenile detention systems have been able to defer costs and redirect funds. This temporary solution, however, is leading to premature deterioration of facilities and escalating deferred repair and maintenance costs (Chapter 3).

## **The Changing Environment of City Jails**

In 1990, in an attempt to have cities share in the cost of county jails, the Legislature passed a measure that allows counties to impose booking fees on other entities using county jails. The unanticipated result of this law has been a proliferation of new, expanded or reopened city jails (primarily housing short-term inmates from arrest until court arraignment). City jail capacity has increased from 2,550 beds in 1989 to approximately 3,600 beds in 1999.

The cities of Alhambra, Baldwin Park, Bell, Irvine, Montebello, Palm Springs, San Bernardino, and Seal Beach have contracted with private firms to operate their city jails. Although there is no statutory authority to privatize city jails, the State Attorney General's opinion is that cities (but not counties) may do so because nothing in law precludes this option. However, cities that privatize jail operations must comply with Penal Code Section 6031.6, which requires public entity oversight of contractors; adherence to all laws and regulations (including minimum jail operations and construction standards); and contract termination if deficiencies are not corrected.

## **Health Issues**

Counties and cities continue to grapple with critical health care issues in jails and juvenile facilities. The closure or scaling back of community mental health facilities and treatment services, for example, has reduced resources for the growing number of offenders with significant mental health disorders. In addition, lifestyles that include alcohol/drug abuse, homelessness, and poor health care in general contribute to populations that are at high risk for communicable diseases.

Working closely with local health departments is critical to managing communicable diseases in detention facilities. Regulations for adult and juvenile detention facilities require collaboration on communicable disease management plans, and a recent law change requires treatment planning and advance notification when adult inmates with known or suspected active TB are transferred among jurisdictions.

By law, local health departments must conduct annual inspections of local detention facilities to assess compliance with state and local medical/mental health, nutritional and environmental health standards. In the ongoing effort to strengthen these inspections, BOC staff conducted several training sessions for local health inspectors and jail managers during this inspection cycle.